

Notice of Allowability

Application No.

09/534,592

Examiner

Thu Ha T. Nguyen

Applicant(s)

DUTTA, RABINDRANATH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 7/24/06.
2. ☒ The allowed claim(s) is/are 1,3-6,8,9,11-14,16,17,19-22 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached herein.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Thu Ha T. Nguyen
Patent Examiner
AU 2155

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Mr. Brian Russell (Reg. No. 40,796), on August 15 and September 13, 2006.

3. The application has been amended as follows:

In the claims:

1. (currently amended) A method of preventing a client from directly contacting a content server that is protected by a load distribution server from an overload of traffic, comprising:

receiving, at said content server, a request by the client for a file from said content server;

determining, at said content server, whether said request originated as a reference from the load distribution server and determining whether said request originated as a reference from said content server itself;

responsive to determining that said request originated as a reference from a set consisting of the load distribution server and said content server, said content server providing the requested file to the client;

determining whether said ~~client's~~ request ~~to received~~ a file from said content server originated as a reference from neither of a the set consisting of the load distribution server and ~~the~~ said content server; and

responsive to determining that the client's request to receive the file from ~~the~~ said content server originated as the reference from neither of the set consisting of the load distribution server and ~~the~~ said content server, sending to the client a file requesting that the client contact the load distribution server, such that the client is prevented from directly accessing the file at said content server without first being redirected from the load distribution server.

2. (canceled)

5. (Currently amended) The method of Claim 4, wherein said set consisting of the load distribution server and ~~the~~ said content server is a first set and said method further comprises:

offering in one of a second set consisting of the file requesting that the client contact the load distribution server and the means to update the client's bookmark file to include the load distribution server a means to update the bookmark file to exclude ~~the~~ said content server.

6. (currently amended) The method of Claim 1, wherein the step of determining whether said client's request to receive said file from said content server originated as a

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reference from ~~neither of the set consisting of the load distribution server and the said~~ content server further comprises determining, based on the recently of a time stamp contained within a client's request to receive a file from a said content server, whether said client's request to receive said file from said content server originated as a reference from ~~neither of the set consisting of the load distribution server and the said~~ content server.

7. (canceled)

8. (currently amended) The method of Claim 1, further comprising:

including in the file requesting that the client contact the load distribution server a means by which to allow ~~the~~ a user of the client sufficient time to read and react to the file requesting that the user of the client contact the load distribution server before contact with the load distribution server is established without intervention of the user.

9. (currently amended) A machine-readable storage medium having a plurality of instructions ~~processed~~ readable by a machine embodied therein, wherein said plurality of instructions, ~~wherein~~ when processed by said machine, causes said machine to perform a method for preventing a client from directly contacting a content server that is protected by a load distribution server from an overload of traffic, said method comprising:

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receiving, at said content server, a request by the client for a file from said content server;

determining, at said content server, whether said request originated as a reference from the load distribution server and determining whether said request originated as a reference from said content server itself;

responsive to determining that the request originated as a reference from a set consisting of the load distribution server and said content server, said content server providing the requested file to the client;

determining whether said ~~client's~~ request to ~~received~~ said file from said content server originated as a reference from neither of a the set consisting of the load distribution server and ~~the~~ said content server; and

responsive to determining that the client's request to receive the file from ~~the~~ said content server originated as the reference from neither of the set consisting of the load distribution server and ~~the~~ said content server, sending to the client a file requesting that the client contact the load distribution server, such that the client is prevented from directly accessing the file at said content server without first being redirected from the load distribution server.

10. (canceled)

11. (currently amended) The machine-readable storage medium of Claim 9, said method further comprising:

including in the file requesting that the client contact the load distribution server a means by which the client may directly contact the load distribution server through an initiative of a user of the client.

12. (currently amended) The machine-readable storage medium of Claim 9, said method further comprising:

offering in the file requesting that the client contact the load distribution server a means to update a bookmark file to include the load distribution server.

13. (currently amended) The machine-readable storage medium of Claim 12 wherein:

said set consisting of the load distribution server and ~~the~~ said content server is a first set and said method further comprises:

offering in one of a second set consisting of the file requesting that the client contact the load distribution server and the means to update the client's bookmark file to include the load distribution server a means to update the bookmark file to exclude ~~the~~ said content server.

14. (currently amended) The machine-readable storage medium of Claim 9, wherein the step of determining whether said client's request to receive said file from said content server originated as a reference from ~~neither of the set consisting of the load distribution server and the~~ said content server further comprises determining, based on the recently of a time stamp contained within a client's request to receive a the file from a said

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content server, whether said client's request to receive said file from said content server originated as a reference from ~~neither of the set consisting of the load distribution server and the~~ said content server.

15. (canceled)

16. (currently amended) The machine-readable storage medium of Claim 9, said method further comprising:

including in the file requesting that the client contact the load distribution server a means by which to allow ~~the~~ a user of the client sufficient time to read and react to the file requesting that the user of the client contact the load distribution server before contact with the load distribution server is established without intervention of the user.

17. (currently amended) A system for ~~of~~ preventing a client from directly contacting a content server that is protected by a load distribution server from an overload of traffic, comprising:

means for receiving, at said content server, a request by the client for a file from said content server;

means for determining, at said content server, whether said request originated as a reference from the load distribution server and for determining whether said request originated as a reference from said content server itself;

means for, responsive to determining that the request originated as a reference from a set consisting of the load distribution server and said content server, for providing the requested file to the client;

means for determining whether a ~~client's~~ said request to received said file from said content server originated as a reference from neither of a the set consisting of the load distribution server and ~~the~~ said content server; and

means for, responsive to determining that the client's request to receive the file from the said content server originated as the reference from neither of the set consisting of the load distribution server and ~~the~~ said content server, sending to the client a file requesting that the client contact the load distribution server, such that the client is prevented from directly accessing the file at said content server without first being redirected from the load distribution server.

18. (canceled)

19. (currently amended) The system of Claim 17, further comprising:

means ~~for~~[[,]] ~~included~~ including in the file requesting that the client contact the load distribution server[[,]] a selectable element by which the client may directly contact the load distribution server through an initiative of a user of the client.

20. (currently amended) The system of Claim 17, further comprising:

means for[[,]] offering ~~offered~~ in the file requesting that the client contact the load distribution server[[,]] a selectable element that can be selected to update a bookmark file to include the load distribution server.

21. (currently amended) The system of Claim 20, wherein ~~said set consisting of the load distribution server and the content server is a first set and~~ said system further comprises:

means for including, ~~offered in one of a second set consisting of the file~~ requesting that the client contact the load distribution server ~~and the means to update the client's bookmark file to include the load distribution server~~, means a selectable element for updating the bookmark file to exclude the said content server.

22. (currently amended) The system of Claim 17, wherein the means for determining whether said client's request to receive said file from said content server originated as a reference from ~~neither of the set consisting of the load distribution server and the~~ said content server further comprises means for determining, based on the recently of a time stamp contained within a client's request to receive a the file from a said content server, whether said client's request to receive said file from said content server originated as a reference from ~~neither of the set consisting of the load distribution server and the~~ said content server.

23. (canceled)

24. (currently amended) The system of Claim 17, further comprising:

means for ~~, included in the file requesting that the client contact the load distribution server, by which to allow~~ allowing the a user of the client sufficient time to read and react to the file requesting that the user of the client contact the load distribution server before contact with the load distribution server is established without intervention of the user.

Reasons for Allowance

4. Claims 1, 3-6, 8-9, 11-14, 16-17, 19-22 and 24 are allowed.

5. The following is an examiner's statement of reasons for allowance: The examiner has found that the prior art of record does not appear to teach or suggest or render obvious the claimed limitations in combination with the specific added limitations as recited in independent claims and subsequent dependent claims. The prior art of record fails to teach or suggest a system and method of preventing a client from directly contacting a content server that is protected by a load distribution server from an overload of traffic, comprising: receiving a request by the client for a file from the content server; determining, at the content server, whether said request originated as a reference from the load distribution server and determining whether said request originated as a reference from the content server itself in responsive to determining that the request originated as a reference from the set consisting of the load distribution server and the content server, the content server providing the requested file to the

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client. The prior art also fails to teach the feature of determining whether said request received from the content server originated as a reference from neither of a set consisting of the load distribution server and the content server; and responsive to determining that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server, such that the client is prevented from directly accessing the file at the content server without first being redirected from the load distribution server (see remark dated July 24, 2006, and also see specification page 7, and pages 14-17). Therefore these features are novel and also in conjunction with all other limitations in the claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

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The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ThuHa Nguyen

September 16, 2006